



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

June 16, 2006

06-20-06
SECRETARY OF STATE OF INDIANA
John R. R. R.

VIA FACSIMILE AND FIRST-CLASS MAIL

Steve Carter
Indiana Attorney General
Indiana Government Center South
402 West Washington Street
Indianapolis, Indiana 46204

Dear Attorney General Carter:

I am writing to notify you that I have authorized the filing of a lawsuit against the State of Indiana and the Co-Directors of the Indiana Election Division for violations of Section 8 of the National Voter Registration Act of 1993 ("NVRA"), 42 U.S.C. § 1973gg-6. The Attorney General of the United States is authorized to seek relief to ensure compliance with the NVRA, as set forth in 42 U.S.C. § 1973gg-9(a).

Section 8 of the NVRA requires Indiana to "conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of – (A) the death of the registrant; or (B) a change in the residence of the registrant. . . ." 42 U.S.C. § 1973gg-6(a)(4). Although the NVRA sets forth various procedures and time lines for removing voters who may have moved, *see* 42 U.S.C. §§ 1973gg-6(b)-(f), these requirements do not apply when Indiana has identified a registrant who has died or been incarcerated, or when there is a duplicate registration.

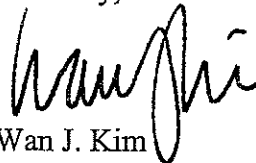
Indiana and its counties have long failed to comply with Section 8 of the NVRA. Although we first brought this matter to the State's attention in April 2005, the State's registration list still contains many deceased registrants, voters who have moved, and duplicate registrations. Indeed, the State's expert in *Indiana Democratic Party v. Rokita* admitted that the State's registration rolls were vastly overstated. The Indiana Election Division has further admitted that there may be more than 29,000 deceased registrants on its statewide database and another 290,000 duplicate registrations.

Given these facts, the Department attempted to resolve this matter by sending a May 18, 2006, letter to the Co-Directors of the Indiana Election Division, offering to negotiate a memorandum of agreement wherein the State would create and implement a short-term and long-term plan for complying with the NVRA. In a letter response dated May 25, 2006 (which is enclosed), one of the Co-Directors, Mr. Brad King, acknowledged that the State was not complying with its list maintenance obligations under the NVRA. Mr. King indicated that he was willing to consider an agreement to resolve this matter, but that he could not execute a binding agreement without the consent of Kristi Robertson, the other Co-Director of the Election Division. Ms. Robertson did not respond to our letter.

Ms. Robertson's failure to respond to the Department's letter is disappointing. We are still hopeful, however, that the State is willing to resolve this matter without costly and protracted litigation. To this end, the Department is willing to negotiate a joint stipulation and consent decree, to be filed simultaneously with the complaint in Federal court, which would set forth the State's plan for complying with the NVRA.

I have instructed Department attorneys to wait until a week from the date of this letter before filing the complaint. If the State is willing to resolve this matter with a consent decree or has any questions regarding this letter, please contact Eric Eversole at (202) 305-0566 before that date. We look forward to your response and to a timely resolution of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Wan J. Kim', written in a cursive style.

Wan J. Kim
Assistant Attorney General

cc: Kristi Robertson, Co-Director of the Indiana Election Division
J. Bradley King, Co-Director of the Indiana Election Division
Todd Rokita, Indiana Secretary of State

Encl.